

## REMARKS

Applicant thanks the Examiner for acknowledging the priority papers and IDS submitted with this Application. In response to the rejections set out by the Examiner, the Applicant provides the following submission. The amendments to the claim 4 are based on the present claim 4 and the present claim 1. Thus no new matter is introduced by way of these amendments.

### Response to claim rejections 35 USC §112

The present claim 4 has been amended to define a method distinctly. Therefore, it is respectfully asserted that the amended claim 4, and claims 5-7 that depend therefrom, are no longer indefinite under 35 USC §112.

### Response to claim rejections 35 USC §101

As stated in the 112 remarks, the amended claim 4 is now directed to a statutory subject matter, i.e., a method. Therefore, it is respectfully asserted that the amended claim 4, and claims 5-7 that depend therefrom, are no longer directed to non-statutory subject matter under 35 USC §101.

### Response to claim rejections 35 USC§ 102(e)

Claim 1 is rejected under 35 USC§ 102(e) as being allegedly anticipated by US patent publication No. 2003/0054813 A1 to Riley et al ("Riley" hereinafter). For the following reasons, it is respectfully submitted that claim 1 is not anticipated by Riley.

First, Riley et al is directed to a system and method for identification of transmitters from which signals are being received. In contrast, Applicant's disclosure is directed to a repeater for positioning a mobile station and a method thereof. Therefore, Applicant's disclosure differs from Riley patent application in inventive object.

Second, according to page 3, first column, lines 53-56 of Riley, a signal

analyzer or modeling processor 120 analyzes the correlation signals and uses a statistical model 122 to uniquely identify the BTSs whose signals are received by the mobile unit 10. This passage of Riley states that the signal analyzer 120 included in a cellular telephone uses a statistical model 122 to uniquely identify the BTSs. That is, the signal analyzer 120 does not generate any signal but only analyzes the correlation signals.

In contrast, Applicant's claim 1 recites a cell identifier signal generating unit included in a repeater and used to generate a cell identifier signal. This cell identifier system is used to identify a cell in a cellular system, i.e., identify a repeater, so as to position the mobile station accurately.

Therefore, it can be understood that the signal analyzer according to Riley patent cannot be considered as an equivalent of the cell identifier signal generating unit according to this invention.

Accordingly, Riley does not teach every element of Applicant's claim 1, and as such, Applicant respectfully asserts that Riley does not anticipate claim 1.

Furthermore, it should be noted that with use of the repeater of claim 1, the position of the mobile station can be positioned accurately. Therefore, claim 1 is also not obvious in view of Riley.

#### Response to claim rejections 35 USC §103(a)

Claims 2 and 3 are rejected under 35 USC §103(a) as being allegedly unpatentable over Riley in view of US Patent No. 6,005,884 to Cook ("Cook" hereinafter).

As stated above, with use of the repeater of claim 1, the mobile station can be positioned accurately. As such, claim 1 is not obvious over the Riley.

Furthermore, the combination of Riley and Cook does not remedy the deficiencies of Riley as discussed in the 102 remarks. Therefore, claim 1 is not obvious over Riley in view of Cook. As claims 2 and 3 depend from claim 1, they are also

not obvious over Riley in view of Cook.

Claims 4, 6, and 7 are also rejected under 35 USC §103(a) as being allegedly unpatentable over Riley in view of European Patent Application No. 1,030,531 to Hua Chen ("Hua Chen" hereinafter).

As is variously stated above, claim 1 is not obvious over the Riley. Since claim 4 includes the technical features of claim 1, it is also not obvious over Riley. Although these features are recited in the preamble of claim 4, the body of the claim depends on the preamble for completeness, and thus, the features of the preamble should be given patentable weight. See *In re Hirao*, 535 F.2d 67

Furthermore, the combination of Riley and Hua Chen does not remedy the deficiencies of Riley as discussed in the 102 remarks. Therefore, claim 4 is not obvious over Riley in view of Hua Chen. As claims 6 and 6 depend from claim 4, they are also not obvious over Riley in view of Hua Chen.

Claim 5 is also rejected under 35 USC §103(a) as being allegedly unpatentable over Riley in view of United States Patent Publication No. 2003/0181208 to Lobinger ("Lobinger" hereinafter).

Once again, as claim 4 is not obvious over Riley, and Lobinger does not remedy the deficiencies of Riley, claim 4 is not obvious over the combination of Riley and Lobinger. Since claim 5 depends from claim 4, it is also not obvious over the combination of Riley and Lobinger.

Applicant hereby petitions under 37 C.F.R. §§1.136, 1.137 for any extension of time necessary for entry and consideration of the present Response.

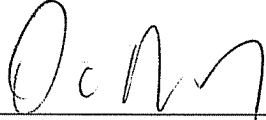
If there are any charges with respect to this amendment, or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

The Examiner is invited to contact Applicant's attorneys at the below telephone number regarding this Response or otherwise concerning the present application.

If there are any charges with respect to this restriction requirement, or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorney.

Respectfully submitted,

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